

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco REYES-Garcia

Defendant.

Magistrate Case No. **'08 MJ 08 15**

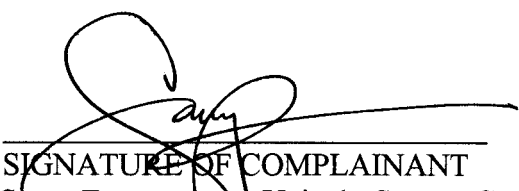
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(1)(A)(iv)-Inducing and
Encouraging Illegal Alien
To Enter the United States

The undersigned complainant being duly sworn states:

On or about **March 13, 2008**, within the Southern District of California, defendant **Francisco REYES-Garcia**, did encourage and induce an alien, namely **Maria Elisa MOREIRA-Martinez** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **MARCH 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Maria Elisa MORIERA-Martinez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 13, 2008, at about 01:02 a.m., **Francisco REYES-Garcia (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1987 Oldsmobile Cutlass Salon bearing California license plates. One visible female passenger accompanied Defendant. Upon inspection before a United States Customs and Border Protection (CBP) officer, Defendant presented as his own, an Immigration Form I-551 (Permanent Resident Card) bearing the name Esdras Quinones-Ramirez. Defendant also presented a Legal Permanent Resident Alien Card bearing the name Sanjuana Gomez Vda De Munos on behalf of the female passenger. Defendant gave two negative customs declarations and stated he intended to travel to San Diego, California. Defendant also told the CBP officer he has owned the vehicle for two months. The CBP officer received a computer generated referral and escorted the vehicle and its occupants to secondary for further inspection.

In secondary, Defendant and the female passenger were determined to be impostors to the documents presented. Defendant and the female passenger were both identified as citizens of Mexico without legal documents to enter the United States. The female passenger was retained as a material witness and is now identified as **Maria Elisa MORIERA-Martinez (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is aware the passenger is an undocumented alien and that he purposely presented the two Permanent Resident Cards, knowing that they were not rightfully issued to them. Defendant admitted he agreed to drive the vehicle into the United States and deliver the vehicle and passenger to a McDonalds restaurant in San Diego, California. Defendant stated he was to be paid \$500.00 U.S dollars upon his return to Tijuana, Mexico.

On a separate videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated Defendant gave her the Permanent Resident Card and told her to memorize it. Material Witness stated Defendant told her he was going to take her to Chula Vista, California to reunite with her family. Material Witness provided the phone number of a family member for further information. A call was placed to Material Witness' daughter-in-law and she stated Material Witness' family made the smuggling arrangements. Material Witness' daughter-in-law also stated the family was going to pay \$4,000.00 U.S dollars to have Material Witness smuggled into the United States.